

UTILITY PATENT APPLICATION TRANSMITTAL		Attorney Docket No. A35897-PCT-USA-A (072667.0188)	
		First Inventor Thomas	
		Title CONSTITUTIVE * see attached	
(Only for new nonprovisional applications under 37 CFR 1.53(b))		Express Mail Label No. EV343637795US	

APPLICATION ELEMENTS		ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	
See MPEP chapter 600 concerning utility patent application contents.			
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages 15] (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description <input checked="" type="checkbox"/> Claim(s) [Total Sheets 2] <input checked="" type="checkbox"/> Abstract of the Disclosure [Total Sheets 1] 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 2] 5. Oath or Declaration [Total Pages 3] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input checked="" type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input checked="" type="checkbox"/> paper c. <input checked="" type="checkbox"/> Statements verifying identity of above copies		
ACCOMPANYING APPLICATION PARTS			
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement [Power of Attorney] (when there is an assignee) 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations] 13. <input checked="" type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input checked="" type="checkbox"/> Other: Transmittal			
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No.: PCT/EP02/02894 Prior application information: Examiner _____ Group Art Unit: _____ For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.			
19. CORRESPONDENCE ADDRESS			
<input checked="" type="checkbox"/> Customer Number or Bar Code Label 21003 (filled Custom or No. or Attach bar code label here) or <input type="checkbox"/> Correspondence address below			
Name _____			
Address _____			
City _____		State _____ Zip Code _____	
Country _____		Telephone _____ Fax _____	
Name (Print/Type) Rochelle K. Seide		Registration No. (Attorney/Agent) 32,300	
Signature <i>Rochelle K. Seide</i>		Date 08/19/03	

BAKER BOTTS LLP

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 2,054

Complete If Known

Application Number	Not Yet Assigned
Filing Date	August 19, 2003
First Named Inventor	Thomas
Examiner Name	Not Yet Assigned
Group Art Unit	Not Yet Assigned
Attorney Docket No.	A35897-PCT-USA-A (072667.0188)

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number 02-4377
- Deposit Account Name Baker Botts LLP
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE			
Large Entity	Small Entity	Fee (\$)	Fee Description
750	375	Utility filing fee	750
330	165	Design filing fee	
520	260	Plant filing fee	
750	375	Reissue filing fee	
160	80	Provisional filing fee	
SUBTOTAL (1)			(\$ 750
2. EXTRA CLAIM FEES			
Total Claims	Extra Claims	Fee from below	Fee Paid
80	20**	60	1,080
4	3**	1	84
Multiple Dependent		140	140

Large Entity	Small Entity	Fee (\$)	Fee Description
18	9	Claims in excess of 20	
84	42	Independent claims in excess of 3	
280	140	Multiple dependent claim, if not paid	
84	42	** Reissue independent claims over original patent	
18	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 1,304

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity	Small Entity	Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath		
50	25	Surcharge - late provisional filing fee or cover sheet		
130	130	Non-English specification		
2,520	2,520	For filing a request for ex parte reexamination		
920*	920*	Requesting publication of SIR prior to Examiner action		
1,840*	1,840*	Requesting publication of SIR after Examiner action		
110	55	Extension for reply within first month		
410	205	Extension for reply within second month		
930	465	Extension for reply within third month		
1,450	725	Extension for reply within fourth month		
1,970	985	Extension for reply within fifth month		
320	160	Notice of Appeal		
320	160	Filing a brief in support of an appeal		
280	140	Request for oral hearing		
1,510	1,510	Petition to institute a public use proceeding		
110	55	Petition to revive - unavoidable		
1,300	650	Petition to revive - unintentional		
1,300	650	Utility issue fee (or reissue)		
470	235	Design issue fee		
630	315	Plant issue fee		
130	130	Petitions to the Commissioner		
50	50	Processing fee under 37 CFR 1.17(a)		
180	180	Submission of Information Disclosure Stmt		
40	40	Recording each patent assignment per property (times number of properties)		
750	375	Filing a submission after final rejection (37 CFR § 1.129(a))		
750	375	For each additional invention to be examined (37 CFR § 1.129(b))		
750	375	Request for Continued Examination (RCE)		
900	900	Request for expedited examination of a design application		

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

SUBMITTED BY

Name (Print/Type)

Rochelle K. Seide

Registration No. (Attorney/Agent)

32,300

Complete (if applicable)

Telephone 212-408-2626

Signature

Rochelle K. Seide

Date

August 19, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*** Question 4 Addendum**4.a. Drawings are ☐ formal ☒ informal*** Question 5 Addendum**5.c. ☒ An unsigned oath or declaration is included.*** Question 8 Addendum**8.d. ☐ A sequence submission will follow.*** Question 9 Addendum**9.a. ☒ Assignment documents will follow.9.b. ☐ Assignment documents have been filed in parent application No.*** Question 11 Addendum**11.a. ☐ English translation will follow.*** Question 12 Addendum**12.a. ☒ Copies of IDS citations will follow.*** Question 15 Addendum**15.a. ☐ Certified copies of priority documents will follow.15.b. ☐ Certified copies of priority documents have been filed in parent application No.

Use the space below for additional information

Inventors - Terry Thomas, Michael Nuccio, Tzung-Fu Hsieh

Title (continued):

CONSTITUTIVE PROMOTER FROM ARABIDOPSIS

Addendum Sheet 2

18a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: PCT/EP02/02894

Prior application information:

Examiner

Group Art Unit:

18b. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.:

Prior application information:

Examiner

Group Art Unit:

18c. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.:

Prior application information:

Examiner

Group Art Unit:

☐ Amend the specification by inserting before the first line the sentence(s)

☐ "This application is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ "This application is based upon:

prior application No.:

, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.

, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.:

, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.:

, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.

, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.

, incorporated by reference herein

Priority under 35 U.S.C. §119 is claimed based upon the following applications.

Foreign Applications:

Country: _____

Serial No.: _____

Filing Date: _____

Country: _____

Serial No.: _____

Filing Date: _____

Country: _____

Serial No.: _____

Filing Date: _____

Provisional Applications:

Serial No.: 60/270,779

Filing Date: 02/22/01

Serial No.: _____

Filing Date: _____

Serial No.: _____

Filing Date: _____

CERTIFICATION UNDER 37 C.F.R. 1.8(a) OR 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail Certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10*

☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"
Mailing Label No. EV34363795JS (mandatory)

Rochelle K. Seide
Signature

Date: August 19, 2003

Rochelle K. Seide

(type or print name of person certifying)

***WARNING:** Each paper of fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. "Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.